

**DECLARATION OF DOUGLAS J. PATTISON
PURSUANT TO 28 U.S.C. § 1746**

I, Douglas J. Pattison, have personal knowledge of the facts and matters discussed in this declaration and, if called as a witness, could and would testify as follows:

1. I am over the age of twenty-one and competent to give this testimony.
2. I am employed as Chief Financial Officer of Harpo, Inc. I am also the Vice President and Treasurer for OW Licensing Company, LLC.
3. Harpo, Inc., is an Illinois corporation with its principal place of business in Chicago, Illinois. OW Licensing Company, LLC is a Delaware limited liability company with its principal place of business in Chicago, Illinois.
4. OPRAH is a registered trademark of Harpo, Inc. "O, The Oprah Magazine," is a registered trademark of Harpo Print LLC, a division of Harpo, Inc. OW Licensing Company, LLC is the holder of rights of publicity and related rights to Ms. Oprah Winfrey.
5. Ms. Oprah Winfrey is the host of "The Oprah Winfrey Show," a nationally syndicated television program, and the founder of "O, The Oprah Magazine."
6. On August 19, 2009, Harpo, Inc., along with Dr. Mehmet Oz, the host of "The Dr. Oz Show," filed a complaint for trademark infringement and other claims against over 40 internet marketers of dietary supplements, including acai berry and other products. See *Dr. Mehmet Oz v. FWM Laboratories, Inc.*, Dkt. No. 09CV7297 (S.D.N.Y. Aug. 19, 2009) (the "Complaint"). Many of the websites identified in the Complaint used the names of Ms. Oprah Winfrey and Dr. Oz without permission in an attempt to deceive the public.

7. Referenced in the Complaint were web sites that our outside counsel, with the assistance of an internet forensics expert (collectively "Outside Counsel"), concluded were affiliated with JDW Media, LLC and Gillmap Ltd. (the "JDW and Gillmap Websites"). The research our Outside Counsel obtained indicated that the JDW and Gillmap Websites identified in the Complaint at the time of the filing of the Complaint had used Ms. Oprah Winfrey's and or Dr. Oz's name and likeness to sell their products without authority. True and correct copies of screen shots taken of some these JDW and Gillmap Websites are attached to this declaration as **Pattison Attachments A-C**.
8. The screenshot of the web pages shown in the Pattison Attachment A attached hereto was printed from the website found www.oprah-acai-berry.com by our Outside Counsel at the time of the filing of the Complaint and prominently displays the title "Oprah Acai Berry" and "Oprah Acai Berry - Goodbye Belly Bloat!" in large font at the top of the web site page. The web page is marketing the product "AcaiBurn Detox." The page also states, "Well, the acai berry has been featured on many news programs, most notably The Oprah Show. . . . The acai berry as recommended by Oprah, is truly the #1 Super food. . . . So if you are one of the millions of Americans that watch Oprah, you have probably heard of this wonder berry. If not take our word and try the recommendation of [Oprah acai berry](http://www.oprah-acai-berry.com)."

Pattison Attachment A.

9. The screenshot of the web page shown in the Pattison Attachment B attached hereto was printed from the website found at www.cscglobal.com by our Outside Counsel at the time of the filing of the Complaint and shows a picture of Ms. Oprah Winfrey and states,

“Acai Burn seen on: Oprah, The Oprah Winfrey Show.” The top of the web page displays in large font the product “AcaiBurn” and shows bottles of “AcaiBurn.” The web page states at the top in large size font: “ACAI BURN SEEN ON;” and then displays the logos for . . . The Oprah Winfrey Show; ABC; MSNBC; Fox News; and CBS News. The web page states in the text, “**Dr. Oz** is a blessed man. He knows his art. In fact, he along with Dr. Perricone, (the acai berry man) and Bob Green are the three people Oprah has liked to associate with, for losing the 40 pounds she has put in [sic] the last couple of years. Winfrey believes that Dr. Oz’s Colon Cleanse diet along with the power of Acai Burn can bring in a dietary revolution.” **Pattison Attachment B.**

10. The screenshot of the web page shown in the Pattison Attachment C attached hereto was printed from the website found at www.acai-berrywarning.com by our Outside Counsel at the time of the filing of the Complaint and shows the “Oprah, The Oprah Winfrey Show” logo at the top of the web page, along with logos for CNN, ABC, Rachael Ray, and the Wall Street Journal Online. The product “Acai Burn” is featured. Further down on the web page it states, “. . . find out why the Acai Berry was rated the #1 superfood in the world and featured on the Rachel Ray and Oprah Winfrey shows!” **Pattison Attachment C.**
11. Ms. Oprah Winfrey has never endorsed or approved “Acai Burn Detox” or “Acai Burn,” nor has she ever endorsed any acai berry supplement or acai berry-related product by name.
12. Ms. Oprah Winfrey has never approved or agreed to have her image or name used in conjunction with the marketing and sale of any acai berry-related product.

13. Harpo, Inc., has never approved or agreed to have the OPRAH or "O, The Oprah Magazine" trademarks used in conjunction with the marketing and sale of "Acai Burn Detox," "Acai Burn," or any acai berry-related product.
14. OW Licensing Company, LLC has never approved or agreed to have Ms. Oprah Winfrey's image or name used in conjunction with the marketing and sale of "Acai Burn Detox," "Acai Burn," or any acai berry-related product.
15. The lawsuit Harpo, Inc., filed, along with Dr. Mehmet Oz, as described in Paragraph 6 above, was filed to let consumers know that many internet marketers were willfully and wrongfully using the names of well-known figures, such as Ms. Oprah Winfrey and Dr. Oz, to sell products deceptively.

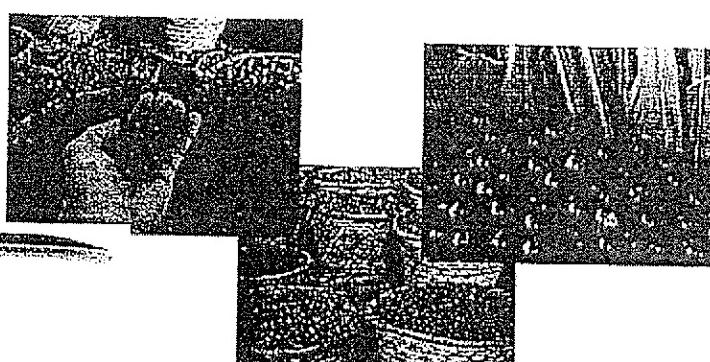
I declare under penalty of perjury that the foregoing is true and correct.

Executed on 2/23, 2011, within the United States.



Douglas J. Pattison

Oprah Acai Berry



Oprah Acai Berry - Goodbye Belly Bloat!

Everyone is talking about the new "super" food. The acai berry. This tiny berry sure packs a punch. It has been known to increase energy, aid in weight loss and even reduce the effects of aging. You're a little skeptical right? Well, the acai berry has been featured on many news programs, most notably The Oprah Show. Many experts have studied the product and the results are astounding.

Check the Situation That Best Applies to You...

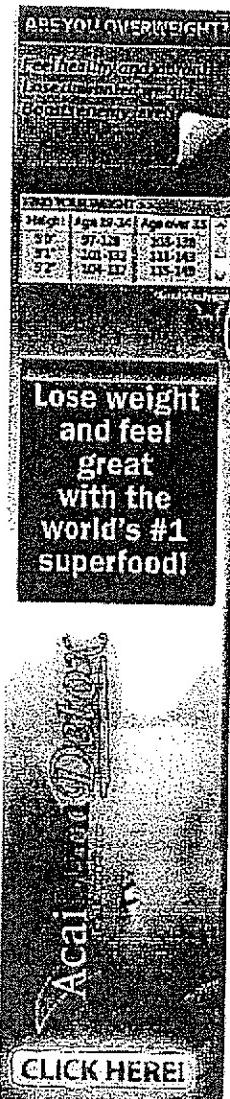
And Then Click the Button Below to Discover How to Incorporate Acai Berry into Your Diet

- I want to reduce bloating for a flatter tummy
- I want to lose weight
- I want to experience a more energized life
- I want to eliminate waste and toxins
- I want to fight the aging process

Submit

The acai berry as recommended by Oprah, is truly the #1 Super food. It is only harvested in the Rain forests of Brazil. You can find it in health food stores and online. It comes in many forms. From powder form, energy juices and bars, and now the pulp is available, which is it's most pure form. The pulp is full of anti-oxidents and amino acids. All which promote healthy living.

Pattison Dec. - Attachment A



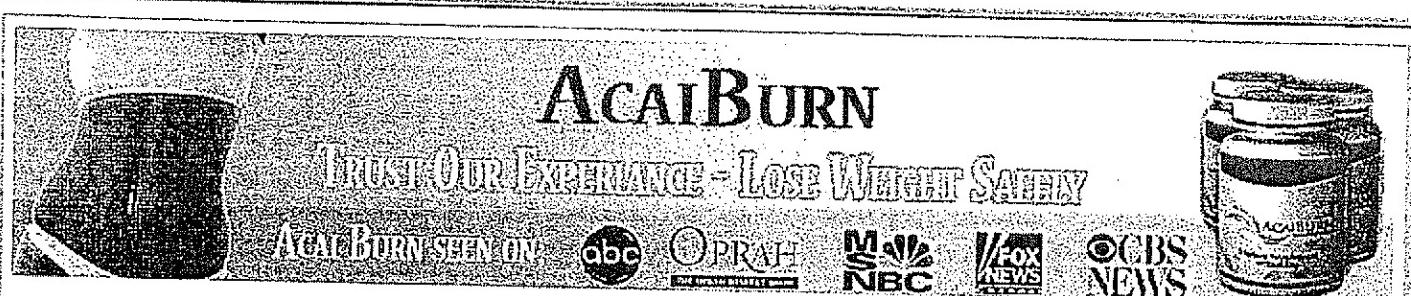
So if you are one of the millions of Americans that watch Oprah, you have probably heard of this wonder berry. If not take our word and try the recommendation of Oprah acai berry. It can help you feel better.

Acai berry is all natural. No need to worry about putting harmful products into your body. Acai is safe and all natural. You will be on your way to starting the new year off right.



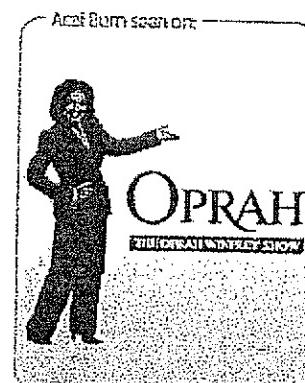
[Privacy Policy](#)

If you have difficulty viewing the archived page, [click here](#) for a jpeg image of the page.



Dr Oz Acai Burn: Double-benefits from the "dynamic duo"

Dr Oz is a blessed man. He knows his art. In fact, he along with Dr. Perricone, (the acai berry man) and Bob Green are the three people Oprah has liked to associate with, for losing the 40 pounds she has put in the last couple of years. Winfrey believes that Dr Oz's Colon Cleanse diet along with the power of Acal Burn can bring in a dietary revolution. Such a radical team can then take care of the metabolic reversals in the body.



Today, people have become dens of toxins. Toxin first accumulates in the colon area. With time, it creates a sheath of slime that adds to the waistline. Also, there are many toxins that are accumulated in the liver, kidney and lining of vital organs. This makes the organs less strong and creates many diseases when seen holistically. Acal Burn is a powerful capsule.

Its ingredients and then the magic of acai berry make it a potent weapon to lose weight. Such weight that accumulates around the belly can be reduced drastically on taking acai berry. It has antioxidants which make the metabolism work faster. Heightened metabolism makes you lose calories and this result in shedding fat.

At the same time, the polyphenols, phytosterols and antioxidants in Acal Berry create a flushing pipe that siphons out all the fat tissues and toxins. This overall results in weight loss. Such weight loss is not temporary. Yes you have got to persist with Acal Burn till the point weight comes down to the subsistent level where it can't relapse.

Colon Cleanse is a novel idea from the yard of **Dr. Oz** who has worked for a long time for the purpose of creating this larger-than-life medical substitute promoting weight loss. Colon Cleanse flushes out all the toxins from the system and hence makes the fat tissues burn down. This obviously reduces the girth of women. While Acal Burn is a panacea for women, colon cleanse can be utilized by men as well as women.

Acal burn is a masterstroke which works on the power of "world's most powerful fruit". For years, It has helped the Amazon tribesmen in getting into perfect shapes and acquiring agility. This power translates into Acal Burn that makes women more vitalized, full of energy and healthier with a leaner belly. Add it to the Colon Cleanse diet and not without anything do they call it a "Dynamic Duo".

AcalBurn.org is in no way affiliated with, endorsed by or sponsored by Acal Burn, its partners, or subsidiaries. The information contained on this website pertaining to Acal Burn is furnished by, and is the sole and exclusive responsibility of, AcalBurn.org. Acal Burn has not reviewed the information appearing on this website and, as such, does not necessarily endorse, support or confirm the validity of such information, nor does Acal Burn represent or warrant that such information is accurate, complete or appropriate. Acal Burn assumes no obligation and incurs no liability in connection with your use of and/or reliance upon any such information.

Pattison Dec. - Attachment B

[Acai Burn](#) - [Acai Burn Diet](#) - [Buy Acai Burn](#) - [Acai Burn In Stores](#) - [Acal Burn Oprah](#) - [Acai Burn Price](#) - [Acai Burn Reviews](#) - [Acai Burn Scan1](#) -
[Dr Oz Acai Burn](#) - [Where to buy Acai Burn](#) - [Does Acai Burn Work?](#) - [Sitemap](#) - [Contact Us](#)
[Total Cleanse](#) - [Acai Berry In Stores](#) - [Dr Oz Acai Berry](#)

THE TRUTH ABOUT ACAI BERRY
TRUST OUR EXPERIENCE, LOSE WEIGHT SAFELY

THE OPRAH WINFREY SHOW CNN abc FOX WSJ.com THE WALL STREET JOURNAL ONLINE

Not All Acai Supplements Are Created Equal

Our Review: Acai Berry is a great product that works, but there have been a lot of people selling this super food which has not lived up to the promise. This has caused a lot of people to not truly be able to take advantage of the benefits offered by the Acai Berry. We have compiled the three best Acai products on the market. These products all offer free trials so you can try for yourself. Read our reviews below and choose a supplement with proven results.



Acai Burn

#1 - First Pick



Our number 1 pick for the Acai Super Food is Acai Burn

- AcaiBurn is safe
- Proven power-combination of natural ingredients. CRAMMED with acai berry extract, Green tea and other natural herbs.
- Research-backed: Clinical trials which proved the power and speed for weight loss.

AcaiBurn is scientifically proven to deliver quicker, more long-lasting weight loss, up to 450% more fat burn. This particular free trial is an absolute bargain if you're looking for a serious weight loss product. A potent combination of acai berries and the added benefits of green tea are one of the many reasons why AcaiBurn is now the #1 Hollywood celebrity weight loss program and has rocketed to the top of many "Most Popular" acai berry diet programs.

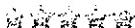
Furthermore, If your looking for a serious weight loss program, then Acai Burn is the supplement of choice. Acai Burn is backed by its 60 day money-back guarantee, so no risk to you. Try the Free trial now of Acai Burn.

TIP: For maximum weight loss combine Acai Burn with Max Colon (Risk Free Trial Available)

Get your trial Now! ▶

Acai Berry Elite

#2 - Second Pick



Acai Supreme came second on our best picks for the #1 Super Food.

Pattison Dec. - Attachment C

- Highest Antioxidants of any Food
- Helps Eliminate Unwanted Weight
- Breakup and Remove Harmful Toxins
- Fight Fatigue
- Increase Energy
- Promotes Healthier Looking Skin
- Improves mental clarity and focus

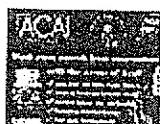
Fed up with being tired, looking and feeling unhealthy all the time? Looking for a cost-effective, surefire way to get rid of your unwanted weight? Try a risk free trial bottle of Acai Supreme, and find out why the Acai Berry was rated the #1 superfood in the world and featured on the Rachel Ray and Oprah Winfrey shows! Acai Supreme breaks up and removes harmful toxins that lead to unwanted weight on the body, so why not give it a try? Get the body you want at the price you can afford!

TIP: For maximum weight loss combine Acai Supreme with Max Colon (Free Trial Available)

Get your trial Now! ▶

Acai + Green Tea

#3 - Third Pick



Acai + Green Tea was the third in our choice for the #1 Super Food. It is just as good as all the others.

- Look and Feel Great!
- Eliminate those Nasty Toxins!
- Decrease Fatigue, Gas, and Bloating.
- Increased Energy!
- Remove Excess Pounds!

Acai + Green Tea includes only the highest grade Acai powder available anywhere on the planet. Acai + Green Tea is a powerful cleansing formula that helps you to lose weight and feel great all day long. Acai + Green Tea will help you to rid your body of unwanted waste and prevent future buildup from occurring. Along with its amazing cleansing properties comes the amazing anti-oxidant properties of the Acai berry. Acai + Green Tea has been formulated with 100% pure acai, not a cheap knock-off ingredient offered from many retailers.

TIP: For maximum weight loss combine Acai + Green Tea with Max Colon (Free Trial Available)

Get your trial Now! ▶

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